

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
TUESDAY, JULY 24, 2007**

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a Regular Meeting of the Midlothian City Council, to be held in the Council Chambers of City Hall, 104 West Avenue E, Midlothian, Texas

WORKSHOP – 5:00 PM

2007-328 Review and discuss draft FY 2007-2008 Budget

REGULAR AGENDA - 6:00 PM

Call to Order, Invocation and Pledge of Allegiance

2007-329 Citizens to be Heard

2007-330 Announcements/Presentations

1. City Council announcements
2. City Manager announcements

CONSENT AGENDA

All matters listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

2007-331 Consider and act upon minutes from City Council meeting of July 10, 2007

2007-332 Consider and act upon authorizing staff to proceed with implementing proposed modifications to the North 9th Street/West Avenue E intersection

PUBLIC HEARINGS and REGULAR AGENDA

2007-333 Conduct a public hearing and act upon an ordinance regarding amendments to the city of Midlothian Zoning Ordinance 89-13, as amended (Case OZ05-2006-116) to consider proposed amendments and changes to the city of Midlothian Zoning Ordinance 89-13, as amended: Article 5, Section 10-3 (General Professional (GP) District, Area Regulations); Article 5, Section 11-3 (Community Retail (CR) District, Area Regulations); Article 5, Section 13-3 (Commercial (C) District, Area Regulations); and Article 5, Section 14-3 (Light Industrial (LI) District, Area Regulations) regarding extension of height requirements if certain criteria are met; and, any other corresponding additions, deletions or changes to various sections, articles and provisions contained in said zoning ordinance; and, establishing an effective date

2007-334 Conduct a public hearing to consider a rezoning request of MISD Sudith Lane Addition, Lots 1 & 2, Block 1, currently zoned Agricultural (A) District to a General Professional (GP) District (Case No. Z08-2006-114); property contains ± 91.594 acres in the A.S. Jenkins Survey, Abstract No. 554, and is generally located east of Sudith Lane and ± 716 feet south of Somerset, in the city of Midlothian, Texas

- 2007-335 Consider and act upon an ordinance regarding amendments to the city of Midlothian Drilling Ordinance, Ordinance 2006-28, as amended (Case M31-2006-127) to consider proposed amendments to Articles V & IX allowing up to five (5) gas wells to be drilled on one (1) Specific Use Permit (SUP) site and setting new expiration dates; and, any other corresponding additions, deletions or changes to various sections, articles and provisions contained in said ordinance; and establishing an effective date
- 2007-336 Conduct a public hearing and act upon an ordinance regarding amendments to the city of Midlothian Zoning Ordinance 89-13, as amended (Case OZ04-2006-115) to consider proposed amendments and changes to the city of Midlothian zoning ordinance 89-13, as amended: Article 4, Section 4 (Use Table); Article 6, Section 6.4 (Specific Use Permit) regarding the allowance of compressor stations related to gas well drilling by Specific Use Permit (SUP) and setting minimum criteria; and, any other corresponding additions, deletions or changes to various sections, articles and provisions contained in said zoning ordinance; and, establishing an effective date
- 2007-337 Conduct a public hearing and act upon a request to amend the current Specific Use Permit (SUP) for Mentzel Addition Lot 1, Block 1, Ordinance No. 2005-23 (Case No. SUP 06-2006-119). The property owner is requesting to amend the current sign regulations set forth in SUP Ordinance 2005-23. Property contains ± 0.198 acres and is generally located west of South 9th Street and 98 feet north of Cemetery Road, in the city of Midlothian, Texas
- 2007-338 Conduct a public hearing and act an ordinance regarding a rezone request to amend the original Westside Preserve Planned Development (PD-18) Ordinance 2004-43 (Case No. Z04-2006-82) requesting to amend the current uses in the areas designated as ± 72 acres of Single Family uses east of the future Auger Road extension to ± 72 acres of Community Retail (CR) uses (the proposed amendment resulting in the following acreage changes of the Planned Development 2004-43: ± 233 acres of Single-Family residential uses (minimum lot sizes of 7,000 square feet), ± 35 acres of Multi-Family uses, ± 126 acres of Community Retail uses and ± 100 acres of open space); property is out of the John Chamblee Survey, Abstract No. 192, and is located south of W. US Hwy. 287 and +/- 1,400 feet west of US Hwy. 67, in the city of Midlothian, Texas

REGULAR AGENDA

- 2007-339 Consider and act upon an interlocal agreement with the Midlothian Independent School District for the installation of certain public improvements and facilities for the District's property located on Sudith Lane
- 2007-340 Consider and act upon a request to authorize the Mayor to execute a Real Property Exchange Agreement and Special Warranty Deed with the Midlothian Independent School District regarding the exchange of real estate located east of South 14th Street and south of George Hopper Road, in the city of Midlothian, Texas
- 2007-341 Consider and act upon nominations to various boards and commissions:
1. Planning and Zoning Commission
 2. Utility Advisory Board
 3. Industrial Development Corp./Midlothian Housing Authority
 4. Midlothian Development Authority
 5. Historic Advisory Board
 6. Library Board

EXECUTIVE SESSION

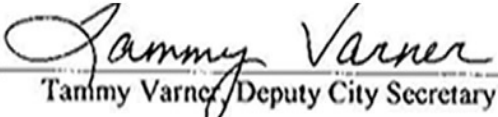
Executive Session items are discussed in closed session but any and all action is taken in regular open session. Executive Session is not open to the public because there is a compelling need of confidentiality (e.g., certain real estate, litigation, or personnel matters).

1. Section 551.071 Legal: Consultation with attorney regarding Cause No. 70419, George Slayton and Roberta Slayton v. City of Midlothian and Oscar Renda Contracting, Inc., 40th District Court, Ellis County, Texas
2. Section 551.071 Legal: Consultation with attorney regarding Cause No. 67202, Midlothian v. Texas Central Business Lines Corporation, et al, pursuant to attorney's ethical duty to advise City regarding such matters
3. Section 551.071 Legal: Consultation with attorney regarding Cause No. 74216, Letha Black v. City of Midlothian, et al
4. Section 551.071 Legal: Consultation with attorney regarding issues related to Wax-Mid, Inc. Certificate of Convenience and Necessity Permit application status
5. **Section 551.071 Legal: Consultation with attorney regarding Cause No. 72768, Robert Ratzman, et al, v. City of Midlothian**
6. **Section 551.071 Legal: Consultation with attorney regarding legal issues related to pending annexation of areas subject to a municipal annexation plan, pursuant to attorney's ethical duty to advise city regarding such matters**
7. Section 551.072 Real Estate: Deliberation regarding real property – potential swap of real estate parcels between City of Midlothian and Midlothian Independent School District located along Hwy 287 Bypass
8. **Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects**
9. **Section 551.072 Real Estate: Deliberation regarding real property – potential Sports Park real property exchange between City of Midlothian and Midlothian Independent School District**
10. **Section 551.071 Legal: Consultation with attorney regarding ethical duty to advise regarding litigation concerning the construction of the Midlothian Conference Center and Senior Citizen's Center**
11. **Section 551.071 Legal: Consultation with attorney regarding Cause No. 07-C-3025, Ken Halverson v. City of Waxahachie, City of Midlothian, and Midlothian-Waxahachie Airport Board**
12. **Section 551.071 Legal: Consultation with attorney regarding ethical duty to advise regarding a potential interlocal agreement with Midlothian Independent School District for the installation of certain public improvements and facilities for the District's property located on Sudith Lane**

REGULAR AGENDA

- 2007-342 Action resulting from Executive Session, Item # 1: Legal - Slayton
- 2007-343 Action resulting from Executive Session, Item # 2: Legal – TCBL
- 2007-344 Action resulting from Executive Session, Item # 3: Legal – Black
- 2007-345 Action resulting from Executive Session, Item # 4: Legal – Wax-Mid, Inc. CCN
- 2007-346 Action resulting from Executive Session, Item # 5: Legal – Ratzman
- 2007-347 Action resulting from Executive Session, Item # 6: Legal – Annexation
- 2007-348 Action resulting from Executive Session, Item # 7: Real Estate – Hwy 287 Bypass land swap with MISD
- 2007-349 Action resulting from Executive Session, Item # 8: Real Estate – Property acquisition
- 2007-350 Action resulting from Executive Session, Item # 9: Real Estate – Sports Park
- 2007-351 Action resulting from Executive Session, Item #10: Legal – Conference Center and Senior Citizen’s Center
- 2007-352 Action resulting from Executive Session, Item #11: Legal – Ken Halverson
- 2007-353 Action resulting from Executive Session, Item #12: Legal – MISD Interlocal Agreement
- 2007-354 Adjourn

I, Tammy Varner, Deputy City Secretary of the City of Midlothian, Texas, do hereby certify that this Notice of Meeting was posted on the front window of City Hall, 104 West Avenue E, Midlothian, Texas, at a place readily accessible to the general public at all times, no later than the 20th day of July 2007, at or before 5:00 p.m.



Tammy Varner, Deputy City Secretary

**This facility is wheelchair accessible and accessible parking spaces are available.
Requests for reasonable accommodations must be made 48 hours prior to this meeting.
Please contact the City Secretary at 775-3481 for further information.**